

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS				1. REQUISITION NO. 40057295		PAGE 1 OF 19	
<i>OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30</i>							
2. CONTRACT NO.		3. AWARD/EFFECTIVE DATE		4. ORDER NO.		5. SOLICITATION NO. N00253-04-Q-0061	
7. FOR SOLICITATION INFORMATION CALL		a. NAME Dianne M. White		b. TELEPHONE NO. (No collect calls) 360-396-5677		6. SOLICITATION ISSUE DATE 02/11/2004	
9. ISSUED BY Naval Undersea Warfare Center Div. Keyport 610 Dowell Street Keyport, WA 98345-7610 whitedm@kpt.nuwc.navy.mil fax 360-315-7660		CODE N00253		10. THIS ACQUISITION IS <input type="checkbox"/> UNRESTRICTED <input type="checkbox"/> SET ASIDE: 100 % FOR <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> SMALL DISADV. BUSINESS <input type="checkbox"/> 8(A) NAICS: 336419 SIZE STD: 1,000		11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE <input checked="" type="checkbox"/> 13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) 13b. RATING DO-C9E 14. METHOD OF SOLICITATION <input checked="" type="checkbox"/> RFQ <input type="checkbox"/> IFB <input type="checkbox"/> RFP	
15. DELIVER TO See Page 15		CODE N00253		16. ADMINISTERED BY See Block 9		CODE	
17a. CONTRACTOR/OFFEROR TELEPHONE NO.		CODE		FACILITY CODE		18a. PAYMENT WILL BE MADE BY Vendor Pay & Travel DFAS Charleston Operating Location Code FP EFT:T P.O. Box 118054 Charleston, SC 29423-8054	
<input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER		18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED <input checked="" type="checkbox"/> SEE BLOCK 20					
19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES			21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	See Section B for Schedule of Supplies/Services For Prompt Payment Submit Invoices To: Supply Officer, NUWC Division Keyport 610 Dowell Street Attn: Code 02111/Bldg 12T Keyport, WA 98345-7610 <i>(Attach Additional Sheets as Necessary)</i>						
25. ACCOUNTING AND APPROPRIATION DATA						26. TOTAL AWARD AMOUNT (For Govt. Use Only)	
<input checked="" type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA <input type="checkbox"/> ARE <input checked="" type="checkbox"/> ARE NOT ATTACHED. <input type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.							
28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN <u>2</u> COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN. <input type="checkbox"/>				29. AWARD OF CONTRACT: REFERENCE <u> </u> OFFER DATED <u> </u> . YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS: <input type="checkbox"/>			
30a. SIGNATURE OF OFFEROR/CONTRACTOR				31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)			
30b. NAME AND TITLE OF SIGNER (TYPE OR PRINT)		30c. DATE SIGNED		31b. NAME OF CONTRACTING OFFICER (TYPE OR PRINT)		31c. DATE SIGNED	
32a. QUANTITY IN COLUMN 21 HAS BEEN <input type="checkbox"/> RECEIVED <input type="checkbox"/> INSPECTED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED				33. SHIP NUMBER <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL		34. VOUCHER NUMBER	
32b. SIGNATURE OF AUTHORIZED GOVTREPRESENTATIVE				32c. DATE		35. AMOUNT VERIFIED CORRECT FOR	
41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT				36. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL		37. CHECK NUMBER	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		41c. DATE		38. S/R ACCOUNT NO.		39. S/R VOUCHER NO.	
				42a. RECEIVED BY (Print)		40. PAID BY	
				42b. RECEIVED AT (Location)			
				42c. DATE REC'D (YY/MM/DD)		42d. TOTAL CONTAINERS	

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NAME OF OFFEROR OR CONTRACTOR					
ITEM NO.	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT

ITEM NO.	SCHEDULE OF SUPPLIES/SERVICES	QTY	UI	UNIT PRICE	AMOUNT
0001	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W1501 (P/N 3322907-015-101)	1	EA	\$	\$
0002	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W1503 (P/N 3322907-015-103)	1	EA	\$	\$
0003	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W1601 (P/N 3322907-016-101)	1	EA	\$	\$
0004	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W1603 (P/N 3322907-016-103)	1	EA	\$	\$
0005	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W18 (P/N 3322907-018-101)	1	EA	\$	\$
0006	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W19 (P/N 3322907-019-101)	1	EA	\$	\$
0007	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W20 (P/N 3322907-020-101)	1	EA	\$	\$
0008	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W21 (P/N 3322907-021-101)	1	EA	\$	\$
0009	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W23 (P/N 3322907-023-102)	1	EA	\$	\$
0010	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W2401 (P/N 3322907-024-101)	1	EA	\$	\$
0011	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W2403 (P/N 3322907-024-103)	1	EA	\$	\$

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0012	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W2405 (P/N 3322907-024-105)	1	EA	\$	\$
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0013	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W2407 (P/N 3322907-024-107)	1	EA	\$	\$
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0014	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W41 (P/N 3322907-041-101)	1	EA	\$	\$
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0015	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable W42 (P/N 3322907-042-101)	1	EA	\$	\$
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0016	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Power Control Assembly (P/N 3322904-022-101)	1	EA	\$	\$
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0017	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Power Supply Chassis (P/N 3322904-004-101) Including Mounting Chassis, Power Supplies, and Interconnect Cables	1	EA	\$	\$
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0018	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: +/- 15 Volt Power Supply (P/N 3322904-017-101)	1	EA	\$	\$
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0019	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Computer Assembly (P/N 3322904-003-101) Including Software and Back Disks	1	EA	\$	\$
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0020	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Relay Switch Self Test Adapter (P/N 3322904-013-101)	1	EA	\$	\$
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0021	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Card Rack Assembly Including Chassis, COTS Cards, and Customer Card (P/N 3322904-005-101)	1	EA	\$	\$
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0022	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: DAC Fixture Including Fixture and Mounting Hardware (P/N 3322906-001-101)	1	EA	\$	\$
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0023	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Calibrator Fluke (P/N 5500A with option 5500A/HNDL)	1	EA	\$	\$
0024	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable Pomona (P/N 1167-36	2	EA	\$	\$
0025	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Shorting Bar Pomona (P/N MDP-S-2)	2	EA	\$	\$
0026	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: BNC Adapter Pomona (P/N 1296)	2	EA	\$	\$
0027	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: T/C Shorting Plug Fluke (P/N 601747)	1	EA	\$	\$
0028	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: GPIB Cable 2M Agilent (P/N 10833B)	1	EA	\$	\$
0029	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Manuals to include Lockheed Martin Commercial Test Set Manual (TW394- BC-MME-010/JMSDF Commercial Revision) and COTS Equipment Manuals	1	LO	\$	\$
0030	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Computer Peripheral Assembly (P/N 3322900-002) OPTION ITEMS	1	EA	\$	\$
0031	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Junction Box Assembly (P/N 3322805-019-101)	1	EA	\$	\$
0032	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: MK 46 Simulator (P/N 3322805- 011-101)	1	EA	\$	\$

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0033	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cable Assembly W22 (P/N 3322807-022-101)	1	EA	\$	\$
0034	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Printer Shelf Weldment (P/N 3322905-015-109)	1	EA	\$	\$
0034	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Storage Bracket Adapter (P/N 3322805-038-101)	1	EA	\$	\$
0035	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Printer Spacer (P/N 3322904-104-1)	1	EA	\$	\$
0036	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Monitor Assembly (P/N 3322904-002-101) Including Monitor and Mounting Panel	1	EA	\$	\$
0037	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Cabinet Assembly (P/N 3322905-015-101)	1	EA	\$	\$
0038	REQN. No. TBD REFERENCING ACRN: TBD ITEM NAME: Installation and Checkout at NUWC Division Keyport	1	LO	\$	\$

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FAR 52.252-2 CLAUSES INCORPORATED BY REFERENCE

FEB 1998

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es): <http://www.arnet.gov/far/>

52.204-6	DATA UNIVERSAL NUMBERING (DUNS) NUMBER	OCT 2003
52.204-7	CENTRAL CONTRACTOR REGISTRATION	OCT 2003
252.209-7001	DISCLOSURE OF OWNERSHIP BY THE GOVERNMENT OF A TERRORIST COUNTRY	MAR 1998
252.211-7003	IDENTIFICATION AND VALUATION	JAN 2004
52.212-1	INSTRUCTIONS TO OFFERORS – COMMERCIAL ITEMS	JAN 2004
52.212-4	CONTRACT TERMS AND CONDITIONS – COMMERCIAL ITEMS	OCT 2003
52.217-5	EVALUATION OF OPTIONS	JUL 1990
52.245-2	GOVERNMENT PROPERTY (FIXED PRICE CONTRACTS)	JUN 2003
52.246-2	INSPECTION OF SUPPLIES – FIXED PRICE	AUG 1996
52.247-34	F.O.B. DESTINATION	NOV 1991

52.212-2 EVALUATION – COMMERCIAL ITEMS

JAN 1999

(a) The Government will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors shall be used to evaluate offers:

Price

NOTICE TO OFFERORS: Offerors shall provide at least three references to whom they have sold the same or similar items within the past twelve months. References shall include company/organization name, address, point of contact and telephone number. Please also include a copy of your commercial price list.

(b) *Options.* The Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. The Government may determine that an offer is unacceptable if the option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(c) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

52.212-3 OFFEROR REPRESENTATIONS AND CERTIFICATIONS -- COMMERCIAL ITEMS (JAN 2004)

(a) Definitions. As used in this provision:

"Emerging small business" means a small business concern whose size is no greater than 50 percent of the numerical size standard for the NAICS code designated.

"Forced or indentured child labor" means all work or service—

(1) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or

(2) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

"Service-disabled veteran-owned small business concern"—

(1) Means a small business concern—

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

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(2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

"Small business concern" means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and size standards in this solicitation.

"Veteran-owned small business concern" means a small business concern—

(1) Not less than 51 percent of which is owned by one or more veterans(as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

"Women-owned business concern" means a concern which is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the its stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

"Women-owned small business concern" means a small business concern --

(1) That is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

(b) Taxpayer identification number (TIN) (26 U.S.C. 6109, 31 U.S.C. 7701). (Not applicable if the offeror is required to provide this information to a central contractor registration database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (b)(3) through (b)(5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.]

(3) Taxpayer Identification Number (TIN).

☐ TIN:_____.

☐ TIN has been applied for.

☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of the Federal Government;

(4) Type of organization.

☐ Sole proprietorship;

☐ Partnership;

☐ Corporate entity (not tax-exempt);

☐ Corporate entity (tax-exempt);

☐ Government entity (Federal, State, or local);

☐ Foreign government;

☐ International organization per 26 CFR 1.6049-4;

☐ Other _____.

(5) Common parent.

☐ Offeror is not owned or controlled by a common parent:

☐ Name and TIN of common parent:

Name _____

TIN _____

(c) Offerors must complete the following representations when the resulting contract is to be performed in the United States or its outlying areas. Check all that apply.

(1) Small business concern. The offeror represents as part of its offer that it ☐ is, ☐ is not a small business concern.

(2) Veteran-owned small business concern. [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents as part of its offer that it ☐ is, ☐ is not a veteran-owned small business concern.

(3) Service-disabled veteran-owned small business concern. [Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(2) of this provision.] The offeror represents as part of its offer that it ☐ is, ☐ is not a service-disabled veteran-owned small business concern.

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(4) Small disadvantaged business concern. [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents, for general statistical purposes, that it ☐ is, ☐ is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(5) Women-owned small business concern. [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents that it * is, * is not a women-owned small business concern.

Note: Complete paragraphs (c)(6) and (c)(7) only if this solicitation is expected to exceed the simplified acquisition threshold.

(6) Women-owned business concern (other than small business concern). [Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.]. The offeror represents that it ☐ is, a women-owned business concern.

(7) Tie bid priority for labor surplus area concerns. If this is an invitation for bid, small business offerors may identify the labor surplus areas in which costs to be incurred on account of manufacturing or production (by offeror or first-tier subcontractors) amount to more than 50 percent of the contract price:

(8) Small Business Size for the Small Business Competitiveness Demonstration Program and for the Targeted Industry Categories under the Small Business Competitiveness Demonstration Program. [Complete only if the offeror has represented itself to be a small business concern under the size standards for this solicitation.]

(i) [Complete only for solicitations indicated in an addendum as being set-aside for emerging small businesses in one of the four designated industry groups (DIGs).] The offeror represents as part of its offer that it ☐ is, ☐ is not an emerging small business.

(ii) [Complete only for solicitations indicated in an addendum as being for one of the targeted industry categories (TICs) or four designated industry groups (DIGs).] Offeror represents as follows:

(A) Offeror's number of employees for the past 12 months (check the Employees column if size standard stated in the solicitation is expressed in terms of number of employees); or

(B) Offeror's average annual gross revenue for the last 3 fiscal years (check the Average Annual Gross Number of Revenues column if size standard stated in the solicitation is expressed in terms of annual receipts).

(Check one of the following):

<u>Number of Employees</u>	<u>Average Annual Gross Revenues</u>
50 or fewer	\$1 million or less
51-100	\$1,000,001-\$2 million
101-250	\$2,000,001-\$3.5 million
251-500	\$3,500,001-\$5 million
501-750	\$5,000,001-\$10 million
751-1,000	\$10,000,001-\$17 million
Over 1,000	Over \$17 million

(9) [Complete only if the solicitation contains the clause at FAR 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns, or FAR 52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting, and the offeror desires a benefit based on its disadvantaged status.]

(i) General. The offeror represents that either—

(A) It ☐ is, ☐ is not certified by the Small Business Administration as a small disadvantaged business concern and identified, on the date of this representation, as a certified small disadvantaged business concern in the database maintained by the Small Business Administration (PRO-Net), and that no material change in disadvantaged ownership and control has occurred since its certification, and, where the concern is owned by one or more individuals claiming disadvantaged status, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); or

(B) It ☐ has, ☐ has not submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

(ii) Joint Ventures under the Price Evaluation Adjustment for Small Disadvantaged Business Concerns. The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements in 13 CFR 124.1002(f) and that the representation in paragraph (c)(9)(i) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. [The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture: _____.]

(10) HUBZone small business concern. [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents, as part of its offer, that--

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- (i) It [] is, [] is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126; and
- (ii) It [] is, [] not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (c)(10)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: _____.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.
- (d) Representations required to implement provisions of Executive Order 11246 --
- (1) Previous contracts and compliance. The offeror represents that --
- (i) It [] has, [] has not, participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation; and
- (ii) It [] has, [] has not, filed all required compliance reports.
- (2) Affirmative Action Compliance. The offeror represents that --
- (i) It [] has developed and has on file, [] has not developed and does not have on file, at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR parts 60-1 and 60-2), or
- (ii) It [] has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.
- (e) Certification Regarding Payments to Influence Federal Transactions (31 U.S.C. 1352). (Applies only if the contract is expected to exceed \$100,000.) By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract.
- (f) Buy American Act Certificate. (Applies only if the clause at Federal Acquisition Regulation (FAR) 52.225-1, Buy American Act -- Supplies, is included in this solicitation.)
- (1) The offeror certifies that each end product, except those listed in paragraph (f)(2) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products. The terms "component," "domestic end product," "end product," "foreign end product," and "United States" are defined in the clause of this solicitation entitled "Buy American Act--Supplies."
- (2) Foreign End Products:

LINE ITEM NO.	COUNTRY OF ORIGIN

[List as necessary]

- (3) The Government will evaluate offers in accordance with the policies and procedures of FAR Part 25.
- (g)
- (1) Buy American Act -- Free Trade Agreements -- Israeli Trade Act Certificate. (Applies only if the clause at FAR 52.225-3, Buy American Act -- Free Trade Agreements -- Israeli Trade Act, is included in this solicitation.)
- (i) The offeror certifies that each end product, except those listed in paragraph (g)(1)(ii) or (g)(1)(iii) of this provision, is a domestic end product and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The terms "component," "domestic end product," "end product," "foreign end product," and "United States" are defined in the clause of this solicitation entitled "Buy American Act--Free Trade Agreements--Israeli Trade Act."

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(ii) The offeror certifies that the following supplies are FTA country end products or Israeli end products as defined in the clause of this solicitation entitled "Buy American Act—Free Trade Agreements—Israeli Trade Act":

FTA Country or Israeli End Products:

LINE ITEM NO.	COUNTRY OF ORIGIN

[List as necessary]

(iii) The offeror shall list those supplies that are foreign end products (other than those listed in paragraph (g)(1)(ii) or this provision) as defined in the clause of this solicitation entitled "Buy American Act—Free Trade Agreements—Israeli Trade Act." The offeror shall list as other foreign end products those end products manufactured in the United States that do not qualify as domestic end products.

Other Foreign End Products:

LINE ITEM NO.	COUNTRY OF ORIGIN

[List as necessary]

(iv) The Government will evaluate offers in accordance with the policies and procedures of FAR Part 25.
 (2) Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate, Alternate I (Jan 2004). If Alternate I to the clause at FAR 52.225-3 is included in this solicitation, substitute the following paragraph (g)(1)(ii) for paragraph (g)(1)(ii) of the basic provision:
 (g)(1)(ii) The offeror certifies that the following supplies are Canadian end products as defined in the clause of this solicitation entitled "Buy American Act—Free Trade Agreements—Israeli Trade Act":

Canadian End Products:

LINE ITEM NO.

[List as necessary]

(3) Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate, Alternate II (Jan 2004). If Alternate II to the clause at FAR 52.225-3 is included in this solicitation, substitute the following paragraph (g)(1)(ii) for paragraph (g)(1)(ii) of the basic provision:
 (g)(1)(ii) The offeror certifies that the following supplies are Canadian end products or Israeli end products as defined in the clause of this solicitation entitled "Buy American Act--Free Trade Agreements--Israeli Trade Act":

Canadian or Israeli End Products:

LINE ITEM NO.	COUNTRY OF ORIGIN

[List as necessary]

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(4) Trade Agreements Certificate. (Applies only if the clause at FAR 52.225-5, Trade Agreements, is included in this solicitation.)
(i) The offeror certifies that each end product, except those listed in paragraph (g)(4)(ii) of this provision, is a U.S.-made, designated country, Caribbean Basin country, or FTA country end product, as defined in the clause of this solicitation entitled "Trade Agreements."
(ii) The offeror shall list as other end products those end products that are not U.S.-made, designated country, Caribbean Basin country, or FTA country end products.

Other End Products

LINE ITEM NO.	COUNTRY OF ORIGIN

[List as necessary]

(iii) The Government will evaluate offers in accordance with the policies and procedures of FAR Part 25. For line items subject to the Trade Agreements Act, the Government will evaluate offers of U.S.-made, designated country, Caribbean Basin country, or FTA country end products without regard to the restrictions of the Buy American Act. The Government will consider for award only offers of U.S.-made, designated country, Caribbean Basin country, or FTA country end products unless the Contracting Officer determines that there are no offers for such products or that the offers for such products are insufficient to fulfill the requirements of the solicitation.

(h) Certification Regarding Debarment, Suspension or Ineligibility for Award (Executive Order 12549). (Applies only if the contract value is expected to exceed the simplified acquisition threshold.) The offeror certifies, to the best of its knowledge and belief, that the offeror and/or any of its principals--

(1) [] Are, [] are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency; and

(2) [] Have, [] have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, state or local government contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

(3) [] Are, [] are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses.

(i) Certification Regarding Knowledge of Child Labor for Listed End Products (Executive Order 13126). [The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, unless excluded at 22.1503(b).]

(1) Listed End Product

Listed End Product	Listed Countries of Origin:

(2) Certification. [If the Contracting Officer has identified end products and countries of origin in paragraph (i)(1) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]

[] (i) The offeror will not supply any end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

[] (ii) The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(End of Provision)

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Alternate I (Apr 2002). As prescribed in 12.301(b)(2), add the following paragraph (c)(11) to the basic provision:

(11) (Complete if the offeror has represented itself as disadvantaged in paragraph (c)(4) or (c)(9) of this provision.) [The offeror shall check the category in which its ownership falls]:

___ Black American.

___ Hispanic American.

___ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

___ Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory or the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

___ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

___ Individual/concern, other than one of the preceding.

52.219-1 SMALL BUSINESS PROGRAM REPRESENTATIONS (APR 2002)

(a)

(1) The North American Industry Classification System (NAICS) code for this acquisition is 336419.

(2) The small business size standard is 1,000 employees.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations.

(1) The offeror represents as part of its offer that it [] is, [] is not a small business concern.

(2) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents, for general statistical purposes, that it [] is, [] is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents as part of its offer that it [] is, [] is not a women-owned small business concern.

(4) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents as part of its offer that it [] is, [] is not a veteran-owned small business concern.

(5) [Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (b)(4) of this provision.] The offeror represents as part of its offer that it is [] is, [] is not a service-disabled veteran-owned small business concern.

(6) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents, as part of its offer, that –

(i) It [] is, [] is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126; and

(ii) It [] is, [] is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b)(6)(i) of this provision is accurate of the HUBZone small business concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture: _____.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c) Definitions. As used in this provision--

“Service-disabled veteran-owned small business concern”—

(1) Means a small business concern—

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

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(2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

"Small business concern," means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

"Veteran-owned small business concern" means a small business concern—

(1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

"Women-owned small business concern," means a small business concern --

(1) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

(d) Notice.

(1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall --

(i) Be punished by imposition of fine, imprisonment, or both;

(ii) Be subject to administrative remedies, including suspension and debarment; and

(iii) Be ineligible for participation in programs conducted under the authority of the Act.

(End of Provision)

Alternate I (Apr 2002). As prescribed in 19.307(a)(2), add the following paragraph (b)(7) to the basic provision:

(7) [Complete if offeror represented itself as disadvantaged in paragraph (b)(2) of this provision.] The offeror shall check the category in which its ownership falls:

[] Black American.

[] Hispanic American.

[] Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

[] Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

[] Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

[] Individual/concern, other than one of the preceding.

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52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS - COMMERCIAL ITEMS (JAN 2004)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clause, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items: 52.233-3, Protest after Award (Aug 1996)(31 U.S.C 3553).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the contracting officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer shall check as appropriate.]

- ☒ (1) 52.203-6, RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT (JUL 1995), WITH ALTERNATE I (OCT 1995)(41 U.S.C. 253G AND 10 U.S.C. 2402).
- ☐ (2) 52.219-3, NOTICE OF TOTAL HUBZONE SET-ASIDE (JAN 1999)(15 U.S.C. 657A).
- ☐ (3) 52.219-4, NOTICE OF PRICE EVALUATION PREFERENCE FOR HUBZONE SMALL BUSINESS CONCERNS (JAN 1999) (IF THE OFFEROR ELECTS TO WAIVE THE PREFERENCE, IT SHALL SO INDICATE IN ITS OFFER)(15 U.S.C. 657A).
- ☐ (4) (i) 52.219-5, VERY SMALL BUSINESS SET-ASIDE (JUNE 2003)(PUB. L. 103-403, SECTION 304, SMALL BUSINESS REAUTHORIZATION AND AMENDMENTS ACT OF 1994).
- ☐ (II) ALTERNATE I (MAR 1999) OF 52.219-5.
- ☐ (III) ALTERNATE II (JUNE 2003) OF 52.219-5.
- ☐ (5) (I) 52.219-6, NOTICE OF TOTAL SMALL BUSINESS ASIDE (JUNE 2003) (15 U.S.C. 644).
- ☐ (II) ALTERNATE I (OCT 1995) OF 52.219-6.
- ☐ (6) (I) 52.219-7, NOTICE OF PARTIAL SMALL BUSINESS SET-ASIDE (JUNE 2003)(15 U.S.C. 644).
- ☐ (II) ALTERNATE I (OCT 1995) OF 52.219-7.
- ☒ (7) 52.219-8, UTILIZATION OF SMALL BUSINESS CONCERNS (OCT 2000) (15 U.S.C. 637(D)(2) AND (3)).
- ☒ (8) (I) 52.219-9, SMALL BUSINESS SUBCONTRACTING PLAN (JAN 2002)(15 U.S.C. 637 (D)(4)).
- ☐ (II) ALTERNATE I (OCT 2001) OF 52.219-9.
- ☐ (III) ALTERNATE II (OCT 2001) OF 52.219-9.
- ☐ (9) 52.219-14, LIMITATIONS ON SUBCONTRACTING (DEC 1996)(15 U.S.C. 637(A)(14)).
- ☒ (10) (I) 52.219-23, NOTICE OF PRICE EVALUATION ADJUSTMENT FOR SMALL DISADVANTAGED BUSINESS CONCERNS (JUNE 2003)(PUB. L. 103-355, SECTION 7102, AND 10 U.S.C. 2323) (IF THE OFFEROR ELECTS TO WAIVE THE ADJUSTMENT, IT SHALL SO INDICATE IN ITS OFFER).
- ☐ (II) ALTERNATE I (JUNE 2003) OF 52.219-23.
- ☐ (11) 52.219-25, SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM—DISADVANTAGED STATUS AND REPORTING (OCT 1999)(PUB. L. 103-355, SECTION 7102, AND 10 U.S.C. 2323).
- ☐ (12) 52.219-26, SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM—INCENTIVE SUBCONTRACTING (OCT 2000)(PUB. L. 103-355, SECTION 7102, AND 10 U.S.C. 2323).
- ☒ (13) 52.222-3, CONVICT LABOR (JUNE 2003)(E.O. 11755).
- ☒ (14) 52.222-19, CHILD LABOR—COOPERATION WITH AUTHORITIES AND REMEDIES (JAN 2004) (E.O. 13126).
- ☒ (15) 52.222-21, PROHIBITION OF SEGREGATED FACILITIES (FEB 1999).
- ☒ (16) 52.222-26, EQUAL OPPORTUNITY (APR 2002)(E.O. 11246).
- ☒ (17) 52.222-35, EQUAL OPPORTUNITY FOR SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS (DEC 2001)(38 U.S.C. 4212).
- ☒ (18) 52.222-36, AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (JUN 1998)(29 U.S.C. 793).
- ☒ (19) 52.222-37, EMPLOYMENT REPORTS ON SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS (DEC 2001)(38 U.S.C. 4212).
- ☐ (20) (I) 52.223-9, ESTIMATE OF PERCENTAGE OF RECOVERED MATERIAL CONTENT FOR EPA-DESIGNATED PRODUCTS (AUG 2000)(42 U.S.C. 6962(C)(3)(A)(II)).
- ☐ (II) ALTERNATE I (AUG 2000) OF 52.223-9 (42 U.S.C. 6962(I)(2)(C)).
- ☐ (21) 52.225-1, BUY AMERICAN ACT—SUPPLIES (JUNE 2003)(41 U.S.C. 10A-10D).
- ☐ (22) (I) 52.225-3, BUY AMERICAN ACT—FREE TRADE AGREEMENT – ISRAELI TRADE ACT (JAN 2004)(41 U.S.C. 10A-10D, 19 U.S.C. 3301 NOTE, 19 U.S.C. 2112 NOTE, PUB. L. 108-77,108-78).
- ☐ (II) ALTERNATE I (JAN 2004) OF 52.225-3.
- ☐ (III) ALTERNATE II (JAN 2004) OF 52.225-3.
- ☐ (23) 52.225-5, TRADE AGREEMENTS (JAN 2004)(19 U.S.C. 2501, ET SEQ., 19 U.S.C. 3301 NOTE).

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- X (24) 52.225-13, RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (DEVIATION) (DEC 2003)
- ___ (25) 52.225-15, SANCTIONED EUROPEAN UNION COUNTRY END PRODUCTS (FEB 2000)(E.O. 12849).
- ___ (26) 52.225-16, SANCTIONED EUROPEAN UNION COUNTRY SERVICES (FEB 2000)(E.O. 12849).
- ___ (27) 52.232-29, TERMS FOR FINANCING OF PURCHASES OF COMMERCIAL ITEMS (FEB 2002)(41 U.S.C. 255(F), 10 U.S.C. 2307(F)).
- ___ (28) 52.232-30, INSTALLMENT PAYMENTS FOR COMMERCIAL ITEMS (OCT 1995)(41 U.S.C. 255(F), 10 U.S.C. 2307(F)).
- X (29) 52.232-33, PAYMENT BY ELECTRONIC FUNDS TRANSFER—CENTRAL CONTRACTOR REGISTRATION (OCT. 2003)(31 U.S.C. 3332).
- ___ (30) 52.232-34, PAYMENT BY ELECTRONIC FUNDS TRANSFER—OTHER THAN CENTRAL CONTRACTOR REGISTRATION (MAY 1999)(31 U.S.C. 3332).
- ___ (31) 52.232-36, PAYMENT BY THIRD PARTY (MAY 1999)(31 U.S.C. 3332).
- ___ (32) 52.239-1, PRIVACY OR SECURITY SAFEGUARDS (AUG 1996)(5 U.S.C. 552A).
- ___ (33) (I) 52.247-64, PREFERENCE FOR PRIVATELY OWNED U.S.-FLAG COMMERCIAL VESSELS (APR 2003)(46 U.S.C. 1241 AND 10 U.S.C. 2631).
- ___ (II) ALTERNATE I (APR 1984) OF 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

- ___ (1) 52.222-41, SERVICE CONTRACT ACT OF 1965, AS AMENDED (MAY 1989)(41 U.S.C. 351, ET SEQ.).
- ___ (2) 52.222-42, STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 1989)(29 U.S.C. 206 AND 41 U.S.C. 351, ET SEQ.).
- ___ (3) 52.222-43, FAIR LABOR STANDARDS ACT AND SERVICE CONTRACT ACT -- PRICE ADJUSTMENT (MULTIPLE YEAR AND OPTION CONTRACTS) (MAY 1989)(29 U.S.C.206 AND 41 U.S.C. 351, ET SEQ.).
- ___ (4) 52.222-44, FAIR LABOR STANDARDS ACT AND SERVICE CONTRACT ACT -- PRICE ADJUSTMENT (FEB 2002)(29 U.S.C. 206 AND 41 U.S.C. 351, ET SEQ.).
- ___ (5) 52.222-47, SCA MINIMUM WAGES AND FRINGE BENEFITS APPLICABLE TO SUCCESSOR CONTRACT PURSUANT TO PREDECESSOR CONTRACTOR COLLECTIVE BARGAINING AGREEMENTS (CBA) (MAY 1989)(41 U.S.C. 351, ET SEQ.).

(d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records -- Negotiation.

- (1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.
- (2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.
- (3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

- (e)
- (1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in paragraphs (i) through (vi) of this paragraph in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause--
- (i) 52.219-8, Utilization of Small Business Concerns (Oct 2000)(15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$500,000 (\$1,000,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.
- (ii) 52.222-26, Equal Opportunity (Apr 2002)(E.O. 11246).

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(iii) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Dec 2001)(38 U.S.C. 4212).

(iv) 52.222-36, Affirmative Action for Workers with Disabilities (June 1998)(29 U.S.C. 793).

(v) 52.222-41, Service Contract Act of 1965, as Amended (May 1989), flow down required for all subcontracts subject to the Service Contract Act of 1965 (41 U.S.C. 351, et seq.)

(vi) 52.247-64, Preference for Privately-Owned U.S. Flag Commercial Vessels (Apr 2003)(46 U.S.C. Appx 1241 and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64,

(2) While not required, the contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

INSPECTION AT ORIGIN ACCEPTANCE AT DESTINATION

The articles to be furnished hereunder shall be delivered in accordance with the clause entitled, F.O.B. Destination (FAR 52.247-34). Initial inspection and acceptance shall take place at the contractor's facility. The date and time shall be coordinated no less than two weeks in advance to allow for travel of Government personnel. Upon delivery to the following address, final inspection and acceptance shall take place.

Supply Officer
 Naval Undersea Warfare Center, Division Keyport
 610 Dowell Street
 Attn: Wade Ketterling, Code 45
 Keyport, WA 98345

DELIVERY SCHEDULE

The Government requires delivery of all items 16 weeks after award or exercise of option.

CONSTRUCTIVE ACCEPTANCE

In accordance with FAR 32.904(b)(1)(ii)(B)(4), the Contracting Officer has determined that more than seven days are needed for constructive acceptance. The following number of days for constructive acceptance applies to paragraph (a)(5)(i) of FAR Clause 52.232-25, "Prompt Payment", which is incorporated by reference: 30 days for constructive acceptance.

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252.212-7000

OFFEROR REPRESENTATIONS AND CERTIFICATIONS - COMMERCIAL ITEMS

NOV 1995

(a) *Definitions.* As used in this clause-

(1) "Foreign person" means any person other than a United States person as defined in Section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. Sec. 2415).

(2) "United States person" is defined in Section 16(2) of the Export Administration Act of 1979 and means any United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

(b) *Certification.* By submitting this offer, the Offeror, if a foreign person, company or entity, certifies that it-

(1) Does not comply with the Secondary Arab Boycott of Israel; and

(2) Is not taking or knowingly agreeing to take any action, with respect to the Secondary Boycott of Israel by Arab countries, which 50 U.S.C. App. Sec. 2407(a) prohibits a United States person from taking.

(c) *Representation of Extent of Transportation by Sea.* (This representation does not apply to solicitations for the direct purchase of ocean transportation services).

(1) The Offeror shall indicate by checking the appropriate blank in paragraph (c)(2) of this provision whether transportation of supplies by sea is anticipated under the resultant contract. The term "supplies" is defined in the Transportation of Supplies by Sea clause of this solicitation.

(2) Representation. The Offeror represents that it-

_____Does anticipate that supplies will be transported by sea in the performance of any contract or subcontract resulting from this solicitation.

_____Does not anticipate that supplies will be transported by sea in the performance of any contract or subcontract resulting from this solicitation.

(3) Any contract resulting from this solicitation will include the Transportation of Supplies by Sea clause. If the Offeror represents that it will not use ocean transportation, the resulting contract will also include the Defense Federal Acquisition Regulation Supplement clause at 252.247-7024, Notification of Transportation of Supplies by Sea.

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252.212-7001 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (JAN 2004)

(A) THE CONTRACTOR AGREES TO COMPLY WITH THE FOLLOWING FEDERAL ACQUISITION REGULATION (FAR) CLAUSE WHICH, IF CHECKED, IS INCLUDED IN THIS CONTRACT BY REFERENCE TO IMPLEMENT A PROVISION OF LAW APPLICABLE TO ACQUISITIONS OF COMMERCIAL ITEMS OR COMPONENTS.

_____ 52.203-3 GRATUITIES (APR 1984) (10 U.S.C. 2207)

(B) THE CONTRACTOR AGREES TO COMPLY WITH ANY CLAUSE THAT IS CHECKED ON THE FOLLOWING LIST OF DEFENSE FAR SUPPLEMENT CLAUSES WHICH, IF CHECKED, IS INCLUDED IN THIS CONTRACT BY REFERENCE TO IMPLEMENT PROVISIONS OF LAW OR EXECUTIVE ORDERS APPLICABLE TO ACQUISITIONS OF COMMERCIAL ITEMS OR COMPONENTS.

- ☒ 252.205-7000 PROVISION OF INFORMATION TO COOPERATIVE AGREEMENT HOLDERS (DEC 1991) (10 U.S.C. 2416).
- ☒ 252.219-7003 SMALL, SMALL DISADVANTAGED AND WOMEN-OWNED SMALL BUSINESS SUBCONTRACTING PLAN (DOD CONTRACTS) (APR 1996) (15 U.S.C. 637).
- _____ 252.219-7004 SMALL, SMALL DISADVANTAGED AND WOMEN-OWNED SMALL BUSINESS SUBCONTRACTING PLAN (TEST PROGRAM) (JUN 1997) (15 U.S.C. 637 NOTE).
- _____ 252.225-7001 BUY AMERICAN ACT AND BALANCE OF PAYMENTS PROGRAM (APR 2003) (41 U.S.C. 10A-10D, E.O. 10582).
- ☒ 252.225-7012 PREFERENCE FOR CERTAIN DOMESTIC COMMODITIES (FEB 2003) (10 U.S.C. 2533A).
- _____ 252.225-7014 PREFERENCE FOR DOMESTIC SPECIALTY METALS (APR 2003) (10 U.S.C. 2533A).
- _____ 252.225-7015 RESTRICTION ON ACQUISITION OF HAND OR MEASURING TOOLS (APR 2003) (10 U.S.C. 2533A).
- _____ 252.225-7016 RESTRICTION ON ACQUISITION OF BALL AND ROLLER BEARINGS (APR 2003) (___ ALTERNATE I) (APR 2003) (10 U.S.C. 2534 AND SECTION 8099 OF PUB. L. 104-61 AND SIMILAR SECTIONS IN SUBSEQUENT DOD APPROPRIATIONS ACTS).
- ☒ 252.225-7021 TRADE AGREEMENTS (JAN 2004) (19 U.S.C. 2501-2518 AND 19 U.S.C. 3301 NOTE).
- _____ 252.225-7027 RESTRICTION ON CONTINGENT FEES FOR FOREIGN MILITARY SALES (APR 2003) (22 U.S.C. 2779).
- _____ 252.225-7028 EXCLUSIONARY POLICIES AND PRACTICES OF FOREIGN GOVERNMENTS (APR 2003) (22 U.S.C. 2755).
- _____ 252.225-7036 BUY AMERICAN ACT--FREE TRADE AGREEMENTS--BALANCE OF PAYMENTS PROGRAM (JAN 2004) (___ ALTERNATE I) (JAN 2004) (41 U.S.C. 10A-10D AND 19 U.S.C. 3301 NOTE).
- _____ 252.225-7038 RESTRICTION ON ACQUISITION OF AIR CIRCUIT BREAKERS (APR 2003) (10 U.S.C. 2534(A)(3)).
- _____ 252.226-7001 UTILIZATION OF INDIAN ORGANIZATIONS, INDIAN-OWNED ECONOMIC ENTERPRISES, AND NATIVE HAWAIIAN SMALL BUSINESS CONCERNS (OCT 2003) (SECTION 8021 OF PUB. L. 107-248).
- _____ 252.227-7015 TECHNICAL DATA--COMMERCIAL ITEMS (NOV 1995) (10 U.S.C. 2320).
- _____ 252.227-7037 VALIDATION OF RESTRICTIVE MARKINGS ON TECHNICAL DATA (SEP 1999) (10 U.S.C. 2321).
- _____ 252.232-7003 ELECTRONIC SUBMISSION OF PAYMENT REQUESTS (DEC 2003) (10 U.S.C. 2227).
- ☒ 252.243-7002 REQUESTS FOR EQUITABLE ADJUSTMENT (MAR 1998) (10 U.S.C. 2410).
- _____ 252.247-7023 TRANSPORTATION OF SUPPLIES BY SEA (MAY 2002) (___ALTERNATE I) (MAR 2000) (___ALTERNATE II) (MAR 2000) (___ALTERNATE III) (MAY 2002) (10 U.S.C. 2631).
- _____ 252.247-7024 NOTIFICATION OF TRANSPORTATION OF SUPPLIES BY SEA (MAR 2000) (10 U.S.C. 2631).

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(C) IN ADDITION TO THE CLAUSES LISTED IN PARAGRAPH (E) OF THE CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS CLAUSE OF THIS CONTRACT (FAR 52.212-5), THE CONTRACTOR SHALL INCLUDE THE TERMS OF THE FOLLOWING CLAUSES, IF APPLICABLE, IN SUBCONTRACTS FOR COMMERCIAL ITEMS OR COMMERCIAL COMPONENTS, AWARDED AT ANY TIER UNDER THIS CONTRACT:

252.225-7014 PREFERENCE FOR DOMESTIC SPECIALTY METALS, ALTERNATE I (APR 2003) (10 U.S.C. 2533A).
 252.247-7023 TRANSPORTATION OF SUPPLIES BY SEA (MAY 2002) (10 U.S.C. 2631).
 252.247-7024 NOTIFICATION OF TRANSPORTATION OF SUPPLIES BY SEA (MAR 2000) (10 U.S.C. 2631).

252.225-7020 TRADE AGREEMENTS CERTIFICATE JAN 2004

(a) Definitions. "Caribbean Basin country end product," "designated country end product," "Free Trade Agreement country end product," "nondesignated country end product," "qualifying country end product," and "U.S.-made end product" have the meanings given in the Trade Agreements clause of this solicitation.

(b) Evaluation. The Government-

- (1) Will evaluate offers in accordance with the policies and procedures of Part 225 of the Defense Federal Acquisition Regulation Supplement; and
- (2) Will consider only offers of end products that are U.S.-made, qualifying country, designated country, Caribbean Basin country, or Free Trade Agreement country end products, unless the Government determines that-
 - (i) There are no offers of such end products;
 - (ii) The offers of such end products are insufficient to fulfill the Government's requirements; or
 - (iii) A national interest exception to the Trade Agreements Act applies.

(c) Certification and identification of country of origin.

- (1) For all line items subject to the Trade Agreements clause of this solicitation, the offeror certifies that each end product to be delivered under this contract, except those listed in paragraph (c)(2) of this provision, is a U.S.-made, qualifying country, designated country, Caribbean Basin country, or Free Trade Agreement country end product.
- (2) The following supplies are other nondesignated country end products:

(insert line item number)

(insert country of origin)